(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Division Bench

Coram:- Hon'ble Shri Jagdish Bhalla, Acting C.J. &
Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A (C) No.89 of 2007

Appellants
Claimants

1. Smt. Suwarna Nayak, Age-46 Yrs,
W/o Late Shri Jai Ram Nayak,
By Caste-Gound (Adivasi)
2. Tej Ram, @ TEram Nayak, Age-18 Yrs,
S/O Late Shri Jai Ram Nayak,
By Caste-Gound (Adivasi)
3. Nityanand Nayak, (Minor) Age-14 Yrs.,
S/O Late Shri Jai Ram Nayak,
By Caste-Gound (Adivasi)

Minor represented by the appellant No.1,
Smt. Suwarna Nayak,
W/O Late Shri Jai Ram Nayak

All the above are R/o-Station Colony,
P.S. & Tahsil-Arang, Distt:- Raipur (CG)

At present all are R/o-Railway Station
Colony-Belsonda, P.S. Tah. Mahasamund,
Distt:- Mahasamund (CG)

VERSUS

Respondents
Non-applicants

1. Santosh Yadav, Age-25 Yrs.
S/o Bhavsagar Yadav,
By profession Driver,
R/o:-Sevadapulli,
Distt. Hugli (W.B)

[Driver of the Truck No.W.B.39/6964]

2. Sapan Sadhu Khan, Age-Yrs.
S/O N.Sadhu Khan,
R/O:- Sardhapalli, Distt. Badreshwar (W.B.)
Other Add. Hardipur, Durgapur, Hyfen-13, Vardhaman, (W.B.)

[Owner of the Truck No. W.B. 39/6964]

3. The New India Insurance Com. Ltd.
Divisional Office at Madina Building,
Jail Road, Raipur,
Distt.Raipur (CG)
B.O.-Sherampur, Mahatma Gandhi Road, Mumbai, Bearing Policy No.512501/31/05/01445.
Period from dtd. 21.05.05 to 20.05.06.

(20)

[Ins. Com. of the Truck No. W.B. 39/6964]

Memo of Misc. Appeal under Section 173 f the Motor Vehicle Act:-

Present: Shri J.A. Lohani, counsel for the appellants.

ORAL ORDER
(Passed on 18th June, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

Heard.

(1) Being aggrieved by the impugned award dated 04.10.2006 passed by learned 2nd Additional Motor Accidents Claims Tribunal, Mahasamund in claim case No.81/2006, the appellants have preferred this appeal.

(2) The only point urged by the learned counsel for the appellants in this appeal for enhancement of compensation in a death case of a salaried employee aged 49 years is that the compensation awarded by the learned Tribunal is not just and reasonable compensation.

(3) We have perused the impugned order. Although the deceased employee was drawing a net salary of Rs.4,112/-, the Tribunal assessed the net salary at Rs.4,500/- after taking into consideration the increments which the deceased would have earned and after deducting 1/3rd amount towards personal expenses, the Tribunal applied the correct multiplier of 11 and awarded Rs.3,96,000/- towards loss of dependency. To this, the Tribunal added Rs.2,000/- towards funeral expenses, Rs.20,000/- towards loss of consortium, Rs.20,000/- towards loss of estate and Rs.10,000/- for loss of love and affection.

(4) In this view of the matter, the learned Tribunal has rightly awarded Rs.4,48,000/- as compensation which, in our well considered opinion, is just and reasonable compensation.

(5) As a result, there is no merit in this appeal, which is accordingly dismissed at the stage of admission.

Sd/-
Acting Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya